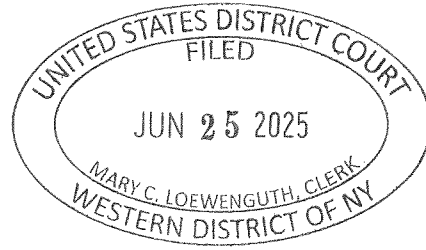


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

23-CR-126 (JLS) (MJR)

KELVIN O. THOMAS, *et al.*,

Defendants.

DECISION AND ORDER

Defendant Kelvin Thomas is charged with various drug and sex trafficking crimes in a superseding indictment. *See* Dkt. 25. The case has been referred to United States Magistrate Judge Michael J. Roemer to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). *See* Dkt. 27.

On December 2, 2024, Thomas filed a motion to suppress evidence recovered from searching Facebook Account Number 1009840195, registered under the username "Kelvin Thomas." *See* Dkt. 78. He also filed various omnibus discovery demands. *Id.*¹ The Government responded in opposition and cross-moved for reciprocal discovery. Dkt. 86. Thomas replied. Dkt. 94. Judge Roemer heard oral argument on February 26, 2025, and he requested supplemental briefing thereafter. Dkt. 97. The parties filed their respective briefs. Dkt. 100, 102.

¹ Judge Roemer resolved Thomas's omnibus discovery demands. *See* Dkt. 108, at 17.

On April 24, 2025, Judge Roemer issued a Report, Recommendation and Order (“R&R”), recommending that this Court deny Thomas’s suppression motion. *See* Dkt. 108, at 17.² Thomas objected. Dkt. 116. Specifically, he “objects to the finding that the Facebook search warrant is supported by probable cause.” *Id.* at 1. The Government opposed the objections. Dkt. 119. Thomas did not reply.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Criminal Procedure 59 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

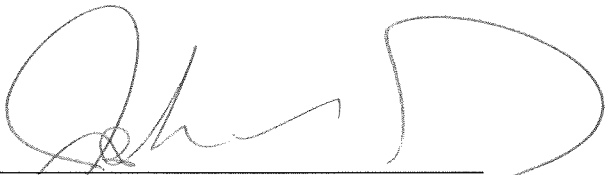
This Court has carefully reviewed the R&R, the objections briefing, and the relevant record. Based on that *de novo* review, the Court accepts and adopts Judge Roemer’s recommendation.

² He also granted the Government’s cross-motion for reciprocal discovery. *See id.*

For the reasons above and in the R&R, Thomas's motion to suppress evidence, *see* Dkt. 78, is DENIED.

SO ORDERED.

Dated: June 25, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE